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OFFICE OF PETITIONS

In re Application of :
Kirkpatrick et al. :
Application No. 09/921,658 : DECISION ON
Filed: August 6, 2001 : PETITION
Attorney Docket No. BS00-311 :

This is a decision on the PETITION TO WITHDRAW HOLDING OF
ABANDONMENT filed November 26, 2007.

The above-identified application became abandoned for failure to
timely pay the issue fee within the three-month statutory period
set in the Notice of Allowance and Fee(s) Due mailed June 5,
2006. A courtesy Notice of Abandonment was mailed on October 9,
2006.

On instant petition, petitioner requests withdrawal of the
holding of abandonment based on failure to receive the most
recent Office action (both the Notice of Allowance and the
subsequently mailed Notice of Abandonment). Petitioner states
that the Office action was mailed to the address of the previous
law firm despite a power of attorney with change of
correspondence address that was filed and received by the Patent
Office in August of 2004.

A review of the record confirms that on August 27, 2004, a Power
of Attorney and Correspondence Address Indication form was filed
by the assignee, along with a properly completed 3.73(b)
statement. However, the change of attorney and address were
never processed by the Office. No subsequent paper was filed in
this application affecting either the attorney or address of
record. This evidence supports a conclusion that the Notice of

Allowance was mailed to an incorrect address. Under the circumstances, withdrawal of the holding of abandonment is warranted.

In view thereof, the notice of abandonment mailed October 9, 2006 and the holding of abandonment are hereby WITHDRAWN.

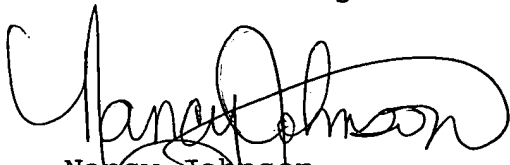
The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

The attorney and address of record have been corrected. However, it is noted that pursuant to the request made on petition both the attorney of record and correspondence address have been changed to CUSTOMER NUMBER 45695. Accordingly, attorneys Jennifer Medlin and Matthew Todd Mitchem noted on the power of attorney filed August 27, 2004 are not of record in this application as they are not attorneys identified under CUSTOMER NUMBER 45695.

Technology Center AU 2173 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for re-mailing of the Notice of Allowance and Fee(s) Due (and the Notice of Allowability) mailed June 5, 2006 and for restarting of the period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
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Office of Petitions